

“THE OMBUDSMAN’S ROLE DURING AND POST COVID-19 PANDEMIC”

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International Webinar Commemorating 21st Anniversary of the Establishment of the Thai Ombudsman

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1. Introduction

Sawasdee Khrap. Chief Ombudsman of Thailand and Treasurer of the International Ombudsman Institute Viddhavat Rajatanun, President of the IOI, Peter Tyndall, First Vice President of the IOI, Diane Welborn, Secretary General of the IOI, Werner Amon, Regional Presidents, Ombudsman and all distinguished guests.

I commence by paying my sincerest respect to His Majesty, the King of Thailand and say how pleased I am to be here with my friends and colleagues, albeit virtually, to commemorate the 21st anniversary of the establishment of the Thai Ombudsman.

The office of the Ombudsman Thailand and my office enjoy a particularly close relationship. This has been exemplified over the last few years by a wide range of engagement.

First, I undertook an official visit to Thailand in January 2018, that included investigation field visits in the Phuket province. In September 2019, a delegation of the office of the Ombudsman Thailand, led by the Chief Ombudsman of Thailand, visited Perth. On the occasion of this visit, our offices signed a Memorandum of Understanding on Bilateral Cooperation, the first such agreement for my office and the first outside of Asia for the Ombudsman Thailand.

In February 2020, I was honoured to travel to Bangkok, one of the great cities of the world, to speak to the International Seminar Commemorating the 20th Anniversary of the establishment of the Thai Ombudsman.

More generally, Thailand and Australia enjoy a strong and important relationship, that includes a trading partnership valued at 18 billion dollars and significant cultural and social exchange.

On a more personal note, the Chief Ombudsman is a highly valued colleague, and also a friend, who leads an office that has the greatest respect of the people of Thailand and the international Ombudsman community.

In this webinar we are discussing the role of the institution of the Ombudsman during and post the COVID-19 Pandemic. I propose to address this topic in three parts. First, I will discuss the role of the institution of the Ombudsman in response to COVID-19. Second, I will discuss some examples of specific initiatives being pursued by Ombudsmen around the world in response to COVID-19. Third, I will briefly discuss initiatives pursued by the office of the Western Australian Ombudsman during and post COVID-19.

2. The role of the Ombudsman institution in response to COVID-19

COVID-19 has been, and is, a worldwide crisis unprecedented in this century. It is at once a health crisis of both devastating mortality and morbidity, but also an economic crisis with concomitant impact on governments' fiscal capacity to support the wellbeing of their citizens. More than 2.7 million lives have been lost globally. At this critical time in our history there is, in my view, very clearly a vital role for the institution of the Ombudsman.

The Ombudsman is a key means by which governments are held to account for the lawful, fair and proper exercise of their authority. Ombudsman institutions serve to protect the rule of law and, while legislation that creates Ombudsmen will not always necessarily speak directly of a human rights role, the institution of the Ombudsman deals with fundamental human rights. Whether it is providing access to justice, major own-initiative investigations focused on the most vulnerable members of society or a range of newer roles, such as National Preventative Mechanisms or as a nation's designated National Human Rights Institution, Ombudsmen offices, on a daily basis, investigate how governments respect and protect the inalienable rights and basic dignity of its citizens.

In responding to COVID-19, the Ombudsman can hold, and has held, governments to account while protecting and promoting the inalienable rights of citizens. Ombudsmen do so by considering that health and safety measures are reaching all of its citizens, and particularly its vulnerable citizens, in the most timely, effective and just way. We celebrate, and rightly so, our first responders and front-line services for their selfless commitment to the safety and well-being of citizens, we look to the State to ensure that the rights of citizens remain inalienable, even at times of crisis, and we recognize the role of the Ombudsman to strive for the guarantee of these rights.

3. Specific initiatives being pursued by Ombudsmen around the world in response to the COVID-19 Pandemic

Having spoken about the role of the Ombudsman institution in response to COVID-19 generally, I now want to turn to specific work that Ombudsmen are doing in response to COVID-19.

Ombudsman institutions globally are undertaking critically important work in relation to the way governments have responded to COVID-19. I note here just a few examples: the Ombudsman Institution of Turkey's Special Report on Turkey's fight against the Pandemic; the Ombudsman of the Province of Santa Fe's work in relation to the effects of the implementation of virtual classes on children with disabilities; the Ontario Ombudsman's investigation into the government's oversight of long-term care homes during the pandemic; and the OPCAT-COVID-19 inspection reports by the Office of the Ombudsman New Zealand.

But these are but a very small few of a much greater global responsiveness that the institution of the Ombudsman has demonstrated in the last twelve months.

I am aware that Ombudsmen offices all around the world have done so much important work protecting and promoting fundamental human rights as the State both on one hand introduces measures to protect citizens from harm, and at the same time ensures those protections are both available to all and do not marginalize or discriminate against the vulnerable.

4. Initiatives pursued by the office of the Western Australian Ombudsman during and post COVID-19

The final issue I will mention briefly is initiatives pursued by my office, the office of the Western Australian Ombudsman, in response to COVID-19.

My office remained fully operational during the Western Australian response to, and ongoing recovery from, the COVID-19 Pandemic. I firmly believe that a human rights institution can best serve its citizens where the rights of its own staff are respected, promoted and protected. Indeed, it would be utterly disingenuous for a human rights institution to not have the strongest focus on the human rights of its staff.

We undertook a range of initiatives to ensure the safety and wellbeing of staff, their families and our community. This included initiatives allowing staff to work from home and other flexible arrangements, the provision of personal safety equipment in the workplace, ensuring social distancing in the workplace, increasing the use of technology to continue our critical work reaching citizens and stakeholders and new

COVID-19 specific governance processes to monitor the safety and wellbeing of staff and the continued effective and efficient operations of the office.

Further, my office has played a leadership role in the public sector and with other accountability agencies in Western Australia, undertaking initiatives to promote good governance and protect human rights. This has included chairing a meeting of the heads of eleven accountability agencies in Western Australia to ensure the timely sharing of relevant information critical to Western Australia's response to, and recovery from, COVID-19.

We have also considered how we can contribute to minimising any unnecessary regulatory burden at a time of great focus for first responder and front-line services, but at the same time ensure good governance around risks during a time of rapid response.

5. Conclusion

In conclusion, the COVID-19 pandemic has been, and is, a worldwide crisis unprecedented in this century. More than 2.7 million lives have tragically been lost globally and the economic effects have also been profound. At this critical time in our history, there is, in my view, very clearly an even more vital role for the institution of the Ombudsman.

As just one example, the office of the Western Australian Ombudsman has provided leadership during COVID-19 by contributing to COVID-19 response and recovery projects, which in-turn has contributed to good governance and the protection of human rights.

Likewise, Ombudsmen in every region have been working, and continue to work, in a range of ways to strengthen government accountability and ensure the protection of human rights, particularly with regard to vulnerable citizens during COVID-19.

As we look forward to gathering virtually for the 12th World Conference of the International Ombudsman Institute just eight weeks away, we do so emboldened in our knowledge that, unprecedented times call for unprecedented responses. As an institution, the Ombudsman has had to find new ways of working, new ways of caring for its staff and new ways of reaching the most vulnerable citizens.

We also look forward to our World Conference heartened by the knowledge that when citizens need an institution to stand for the rule of law and good governance, an institution to promote and protect human rights and an institution to give voice to the voiceless, then those citizens can turn with confidence to the Ombudsman.